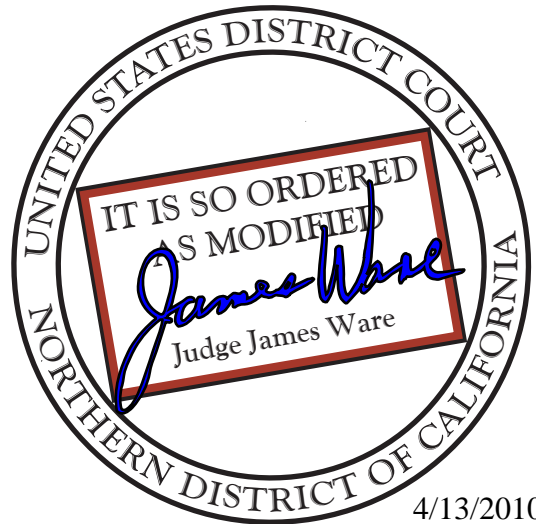


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E-mail: Charles.Antonen@doj.ca.gov  
7 *Attorneys for Defendants*  
*Adams, Curry, Dayalan, Friederichs, Nyenke, and*  
8 *Trevino*



9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 **ROBERT SANTANA,**

15 Plaintiff,

16 v.

17 **STATE OF CALIFORNIA DEPARTMENT**  
18 **OF CORRECTIONS AND**  
19 **REHABILITATION, et al.,**

20 Defendants.  
21

Case No. C 09-3226 JW

22 **STIPULATION AND ~~PROPOSED~~**  
23 **ORDER CONTINUING HEARING DATE**  
24 **RE DEFENDANTS' MOTION TO**  
25 **DISMISS PLAINTIFF'S FIRST**  
26 **AMENDED COMPLAINT**

27 Under Civil Local Rules 6-2 and 7-12, counsel for Plaintiff Robert Santana and Defendants  
28 Adams, Curry, Dayalan, Friederichs, Nyenke, and Trevino stipulate to continue the hearing date  
for Defendants' Motion to Dismiss Plaintiff's First Amended Complaint from June 7, 2010 at  
9:00 a.m. to September 20, 2010 at 9:00 a.m., which is the next available hearing date. This  
continuance is necessary and appropriate because of general medical issues involving Plaintiff's

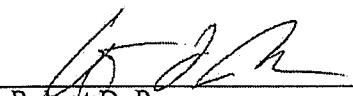
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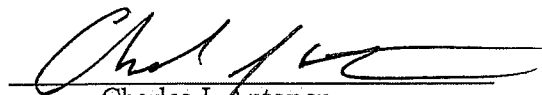
1 counsel. This is the first time modification sought by the parties in this matter and the parties  
2 anticipate this modification will have a negligible impact on the overall schedule of this case.

3 IT IS SO STIPULATED.

4  
5 Dated: 4/7/10

  
Robert D. Ponce  
Counsel for Plaintiff  
Robert Santana

6  
7  
8 Dated: 4/8/10

  
Charles J. Antonen  
Counsel for Defendants  
Adams, Curry, Dayalan,  
Friederichs, Nyenke, and Trevino

9  
10  
11  
12  
13 GOOD CAUSE APPEARING the hearing date of Defendants' Motion to Dismiss  
14 Plaintiff's First Amended Complaint is continued to **September 27, 2010 at 9:00 AM** in this  
15 Court. Plaintiff's Opposition brief shall be filed with the Court on or before August 23, 2010 and  
16 Defendants' reply brief shall be filed with the Court on or before September 8, 2010.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

18 Dated: April 13, 2010

  
The Honorable James Ware

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### CERTIFICATE OF SERVICE

Case Name: Santana v. CDCR, et al.

No. C 09-3226 JW

I hereby certify that on April 8, 2010, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE RE  
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 8, 2010, at San Francisco, California.

L. Tra  
Declarant

  
Signature

SF2009202402  
40450078.doc